

**EXHIBIT "A"**

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: Columbia

**CIVIL COMPLAINT**

Magisterial District Number

District Court 26-2-01  
The Honorable Russell L. Lawton  
700 Sawmill Road  
Suite 102  
Bloomsburg, PA 17815

PLAINTIFF:

NAME and ADDRESS

Gerald Riviello, Jr., 428 Hickory St, Rear, Peckville, PA  
18452; and Donald Louis Marvin, 524 Independence Rd,  
East Stroudsburg, PA 18301

VS.

DEFENDANT:

FNB Bank, N.A.  
354 Mill Street  
Danville, PA, 17821  
and  
Fulton Bank  
555 Willow Street  
Lebanon, PA 17042  
and  
Fulton Financial Corporation  
One Penn Square  
P.O. Box 4887  
Lancaster, PA 17604



Docket No.: CV-0000351-11

Date Filed: 10/3/11

	AMOUNT	DATE PAID
FILING COSTS	\$ 102.00	/ /
POSTAGE	\$ 33.00	/ /
SERVICE COSTS	\$	/ /
CONSTABLE ED.	\$	/ /
TOTAL	\$ 135.00	10/4 /11

Pa.R.C.P.D.J. No. 206 sets forth those costs recoverable by the prevailing party.

**TO THE DEFENDANT:** The above named plaintiff(s) asks judgment against you for ~~\$3,401.00~~ together with costs upon the following claim (Civil fines must include citation of the statute or ordinance violated):

+ \$135.00 = \$3,536.00  
COSTS

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Plaintiff is a "consumer" within the meaning of 15 U.S.C. 1693 et seq. and the implementing regulations there under (the "Electronic Fund transfer Act" or "EFTA"). Within the applicable statute of limitations prior to the commencement of this action, Plaintiff (s) initiated an electronic fund transfer at an automated teller machine operated by the Defendant(s), as described in the attached exhibits.

Defendant(s) is the "automated teller machine operator" of the ATM, within the meaning of the EFTA. The machine in question was located 37 West Main Street, Bloomsburg, PA. Defendant failed to post the required notice in a prominent and conspicuous location on or at the ATM as required pursuant to the Electronic Fund Transfer Act. Defendant(s) did post an external fee notice, but failed to post it clear and conspicuously. Plaintiff's could not view the external fee notice prior to using the ATM machine and were charged a fee to use the machine. Plaintiffs did not receive the proper external notice that a fee would be imposed for concluding the electronic fund transfer. Plaintiff(s) concluded the electronic fund transfer and their account was debited for the usage fee. Pursuant to the EFTA, "An automated teller machine operator that imposes a fee on a consumer for initiating an electronic fund transfer shall... Provide notice that a fee will be imposed for providing electronic fund transfer services... and... Disclose the amount of the fee." The external fee notice must be clear and conspicuously posted. This requirement is in addition to any requirement that notice must be provided on the screen of the automated teller machine. See 12 C.F.R. §205.16(b).

Both Plaintiffs suffer from physical disabilities which impair their abilities to view Defendant(s)' obscured fee notices. An average person not handicapped or impaired would also have difficulty viewing the obscured external fee notice.

Defendant(s) violated EFTA by failing to adequately disclose the transaction fee as required by law. Due to Defendant's violation of EFTA, Plaintiff has suffered damages. Defendant's non-compliance with the applicable EFTA provisions is frequent, persistent and intentional. Defendant, in bad faith, to date continues to fail to comply with the applicable EFTA provisions.

WHEREFORE, Plaintiffs demand statutory damages of \$1,000 for each Plaintiff. Plaintiff's demand attorney fees of no less than \$1,400.00; attorney fees are no less than \$1,400 based on time put into the case including client consultation, drafting of complaint, travel and follow up with Defense. Plaintiffs demand \$3.00 actual damages per plaintiff. Plaintiffs demand Judgment in the amount of \$4,406.00, plus costs and attorney's fees.

I, Vicki Piontek verify that the facts set forth in this complaint are true and correct to the best of my knowledge, information, and belief. This statement is made subject to the penalties of Section 4904 of the Crimes Code (18 PA. C.S. § 4904) related to unsworn falsification to authorities.

Plaintiff's  
Attorney: Vicki Piontek, Supreme Court ID 83559

Address:

Vicki Piontek  
(Signature of Plaintiff or Authorized Agent)

Piontek Law Office

951 Allentown Road, Lansdale, PA 19446

Telephone: (877)737-8617

IF YOU INTEND TO ENTER A DEFENSE TO THIS COMPLAINT, YOU SHOULD SO NOTIFY THIS OFFICE IMMEDIATELY AT THE ABOVE TELEPHONE NUMBER. YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE. UNLESS YOU DO, JUDGMENT MAY BE ENTERED AGAINST YOU BY DEFAULT.

If you have a claim against the plaintiff which is within magisterial district judge jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five (5) days before the date set for the hearing.

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF COLUMBIA

## Civil Action Hearing Notice

Mag. Dist. No: MDJ-26-2-01  
 MDJ Name: Honorable Russell L. Lawton  
 Address: 700 Sawmill Road, Suite 102  
 Bloomsburg, PA 17815  
 Telephone: 570-784-1868

FNB Bank, N.A.  
 354 Mill Street  
 Danville, PA 17821

GERALD RIVIELLO Jr., Donald L. Marvin  
 v.  
 FNB Bank, N.A., Fulton Bank, Fulton Financial  
 Corporation

Docket No: MJ-26201-CV-0000351-2011  
 Case Filed: 10/3/2011

**Notify This Office  
 IMMEDIATELY  
 If You Intend To Appear  
 For The Hearing**

A civil complaint has been filed against you in the above captioned case.

A Civil Action Hearing has been scheduled to be held on/at:

Date: Tuesday, November 1, 2011	Place: Magisterial District Court 26-2-01 700 Sawmill Road, Suite 102 Bloomsburg, PA 17815 570-784-1868
Time: 9:00 AM	

**Notice To Defendant**

If you intend to enter a defense to this complaint, you should so notify this office immediately at the above telephone number.

**You must appear at the hearing and present your defense. Unless you do, judgment may be entered against you by default.**

If you have a claim against the plaintiff which is within magisterial district judge jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five days before the date set for the hearing.

Pursuant to Pa.R.C.P.D.J. No. 342(B)(2), no claim by the defendant will be permitted in a supplementary action filed for failure of judgment creditor to enter satisfaction.

**Notice To Plaintiff**

Pursuant to Pa.R.C.P.D.J. No. 318, you or your attorney will be notified if the defendant gives notice of his/her intention to defend.

If you are disabled and require a reasonable accommodation to gain access to the Magisterial District Court and its services, please contact the Magisterial District Court at the above address or telephone number. We are unable to provide transportation.